IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO.1984 OF 1997

Sushant Uttamrao Sankpal .. Petitioner
v/s.
The University of Bombay and others .. Respondents

Mr. Manoj Chatage for Mr. S.D. Dharmadhikari for the petitioner.
Mr.B.V. Phadnis for the respondents.

CORAM : R.M. LODHA &
SMT.NISHITA MHATRE , JJ.

DATED : 11TH JANUARY, 2007

P.C.

This writ petition is at the instance of the student whose performance at the B.Ed. Degree examination under seat No.2776, held in March, 1997 has been treated as null and void and further that he has been debarred from appearing at the University examination until the end of the first half of the year 2002.

2. The grievance of the petitioner is that Ordinance 220 has not been followed by the University in passing the aforesaid order.

3. On 1.7.1997, the petitioner was issued notice intimating him that there was prima facie evidence that he (the petitioner) impersonated Prashant Baburao Nirbhavane in H.S.C. Examination held in March, 1995

though he was student of T.Y. B.A Examination and appeared in that examination held in May, 1995. The principal allegation against the petitioner notified in the notice dated 1.5.1997 reads thus:-

> "It is alleged against you that you impersonated Shri Prashant Baburao Nirbhavane, candidate No.A062617 at the H.S.C. Examination held in March, 1995 in the subject of English, conducted by the Mumbai Divisional Board, whereas you had appeared at the T.Y.B.A. Examination under seat No.7458 held in May, 1995 by this University. Being a student of the University of Mumbai, you have committed an offence of impersonation at the said H.S.C. Examination."

4. The petitioner was intimated as to why an appropriate action be not taken against him under Ordinance 220.

5. In response to the show cause notice, the petitioner did not file any reply but appeared before the Unfair Means Committee. He only prayed for the liberal view for the alleged misconduct on his part.

6. The misconduct on the part of the petitioner being very serious viz. that of impersonation in the examination, the decision was taken by the Controller of Examination that the petitioner's performance at the B.Ed. Degree examination held in March, 1997 be treated as null and void and that he be debarred from the University examinations till the end of the first half of the year 2002.

7. We find nothing wrong in the order. As a matter of fact, there was no challenge to the misconduct alleged against the petitioner that he

impersonated one Prashant Baburao Nirbhavane at the H.S.C. Examination held in March, 1995. The misconduct on the part of the petitioner is too grave and therefore, the order of the Controller of Examination cannot be said to be, in any manner, illegal. The order is not inconsistent with the Ordinance 220. There is no merit in the writ petition. It is dismissed with no order as to costs.

(R.M.LODHA, J.)

(SMT. NISHITA MHATRE, J.)